



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
December 6, 2014 – January 2, 2014

DATE: January 3, 2014

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter to Mayor Reed and City Council from David Wall dated December 16, 2013, regarding City Manager is busily preparing to enter the “promised land of retirement.” No Apology for AJI.
- (b) Letter to Mayor Reed and City Council from David Wall dated December 16, 2013, regarding City of San José should “get-out of the entitlement business” and “Dump” the “Living Wage.”
- (c) Letter to Mayor Reed and City Council from David Wall dated December 19, 2013, regarding Where are we on procuring a new Payroll system? “People-soft” is without customer support.
- (d) Letter to Mayor Reed and City Council from David Wall dated December 19, 2013, regarding “Black smoke” observed emanating from City Manager’s ears at last Council meeting for 2013.
- (e) Letter to Mayor Reed and City Council from David Wall dated December 20, 2013, regarding “U.S. Supreme Court ruling in: *Koontz v. St. Johns River Water Management District* could be “death knell” for “In – lieu takings” to fund Affordable Housing projects.
- (f) Letter to Mayor Reed and City Council from David Wall dated December 20, 2013, regarding Will City Manager receive a “sick-leave pay-out?” She is entitled to every penny!
- (g) Letter to Mayor Reed and City Council from David Wall dated December 20, 2013, regarding Has City Manager “Institutionalized-Gender Specific Appointments, sub-appointments & promotions?”
- (h) Letter to Mayor Reed and City Council from David Wall dated December 20, 2013, regarding Is “Substandard performance” by the outgoing City Manager a factor of WPCP’s reliability?

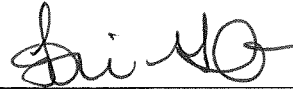
Honorable Mayor and City Council Members

January 3, 2014

Subject: The Public Record: December 6, 2013 – January 2, 2014

Page 2 of 3

- (i) Letter to Mayor Reed and City Council from David Wall dated December 20, 2013, regarding Its official, City Manager has adamantly refused to issue a "Public Apology" for the AJI scandal.
- (j) Letter to Mayor Reed and City Council from David Wall dated December 23, 2013, regarding Christmas miracle at WPCP? Engines #1 and #3 are fully operational. How did this miracle occur?
- (k) Letter to Mayor Reed and City Council from David Wall dated December 23, 2013, regarding Engines #1 and #3 at WPCP have been "brought back from the dead" raising questions about process.
- (l) Letter to Mayor Reed and City Council from David Wall dated December 23, 2013, regarding Constructions workers are taking up and holding parking spaces around Cathedral Basilica of Saint Joseph.



Toni J. Taber, CMC
City Clerk

TJT/kc

Honorable Mayor and City Council Members

January 3, 2014

Subject: The Public Record: December 6, 2013 – January 2, 2014

Page 3 of 3

Distribution:	Mayor/Council	Director of Transportation
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	City Attorney	Director of Finance

David S. Wall
[REDACTED]RECEIVED
San Jose City Clerk

2013 DEC 16 PM 12:39

December 16, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: City Manager is busily preparing to enter the "promised land of retirement." No Apology for AJI.

The San José Environmental Innovation Center is a "catastrophic failure" of the OED folken.

How were "Habitat for Humanity & Prospect Silicon Valley" chosen for preferential treatment @ EIC?

Will City Manager enter retirement without issuing a "Public Apology" for Applegate Johnston Inc.?

Dateline: City Desk [Monday, (12.16.13)]. *City Manager is "packing her bags" yet, "No apology for AJI."*

The Applegate Johnston Inc. (AJI) bankruptcy continues to haunt and plague Council for they were "duped and seduced" by the Office of Economic Development (OED) with the blessings of the City Manager to go forward with the most egregious waste of taxpayer monies with the exception of funding for the Mexican Heritage Plaza and the School of Arts and Culture. The San José Environmental Innovation Center (EIC) still continues to be an epic boondoggle.

Remembering some history of Applegate Johnston Inc., let us not forget that the City Manager had knowledge that AJI had severe problems with prior city contracts. Let us not forget AJI's severe problems of quality of materials and workmanship of two (2) San José Fire Stations (19 & 24). Let us not forget the \$440,000 "Liquidated damages" racked up by AJI on the Fire Station #19 debacle which was "waived" so the City Manager could pursue a \$4.5 Million dollar "carrot dangling from a stick" by the New Market Tax Credit lenders to help fund the cockamamie scam; the EIC. The City Manager remains stoically ridged as to NOT issuing a "Public Apology" for not showing any leadership on the AJI issue. Only blatant kowtowing and the ramifications of doing such, to placate Council's desire to try to relive the past glories of "Silicon Valley" is the legacy issue here (outside of the cumulative financial and reputational issues).

Council to date has failed miserably for NOT creating and implementing legislation that would keep substandard construction companies from "low bidding the city" into one fiasco after another. But, the year is not over until tomorrow [Tuesday, (12.17.13)], the last city council meeting for 2013.

Today, despite the 9th "spare the air day" in a row, city hall watchers gathered again at Melanoma Plaza (the concrete area in front of city hall) to look at the 17th Floor penthouse to see if the City Manager had issued a "Public Apology for AJI to; Mayor Reed, Council and above all to the Office of the City Attorney."

The indicator for the aforementioned public apology is the color of smoke emanating from the 17th Floor penthouse. "White smoke" indicates the "Public Apology" has been made. "Black smoke" indicates that "NO Public Apology" has been made. Again, only a cloud of billowing "Black smoke" was observed.

Will the City Manager enter retirement without issuing a "Public Apology" for AJI failure in judgment?

Cc: City Attorney / City Auditor / City Manager

Respectfully submitted,

David S. Wall
12.16.13

David S. Wall

RECEIVED
City Clerk

2013 DEC 16 PM 12:36

December 16, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: City of San José should "get-out of the entitlement business" and "Dump" the "Living Wage."

Why inflate the cost of doing business in San José to confer unjust enrichment on the undeserved?

Repeal the "Living Wage Ordinance" and eliminate the bogus "Office of Equality Assurance."

Dateline: City Desk [Monday, (12.16.13)]. *The OEA is a complete waste of taxpayer's monies, get rid of it!*

San José cannot move "at the speed of business" when it has several lead weights parasitically tagging along for the ride on its buttocks. Two of the "lead weights" are the "Living Wage Ordinance" the other is the Office of Equality Assurance (OEA). I guess there might be a third one of not correlating by having parasitic weights on your buttocks is the cause and effect why businesses are not "breaking down the doors" at city hall to get permits to do business here.

San José must become more "friendlier" to businesses in the service sector than the current climate indicates. After all, city council has "given away the store" to land developers in regards to "high density living projects" by waiving a myriad of construction taxes and traffic mitigation fees so why not spread the wealth to those willing to develop the terminally vacant portion of city hall that faces South Fourth Street?

I know of a favorite eatery of mine and the city manager who is threatening to "shut down" his excellent Italian Restaurant (located in District 6 on the corner of Naglee Avenue @ Park Avenue) due to the effects the "Living Wage Ordinance" is wreaking on his bottom line.

The question I ask, "Why is San José following a communist manifesto?" I say, let the "market place dictate wages and benefits." And for those service workers who fail to unionize you face the consequences of your inaction. For example, another favorite eatery of mine is yet another excellent Italian Restaurant (located in District 3, corner of 301 S. 1st Street @ East San Carlos Street) but, it is a "union house." And I don't mind paying for quality food and service. I oppose unilateral legislative pay for service.

Give "Starbucks" the waiver it wants and begin giving waivers to any other service provider that asks.

AND....

DUMP the Office of Equality Assurance without delay or intestinal remorse!

Respectfully submitted,

David S. Wall
12.16.13

Cc: City Attorney / City Auditor / City Manager

David S. Wall

PUBLIC RECORD C

RECEIVED

San Jose City Clerk

2013 DEC 19 PM 12:16

December 19, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Where are we on procuring a new Payroll system? "People-soft" is without "customer support."

"People-soft" an Oracle payroll system product used by the city is (2) years beyond customer support.

If the payroll system crashes, who will be "writing out the payroll checks?"

Dateline: City Desk [Thursday, (12.19.13)]. *Is the City Manager responsible for the payroll system?*

Council should ask some serious questions to the City Manager before she rides out into the sunset concerning the City's payroll system known as "People-soft" an Oracle payroll system product used by the city.

Information concerning "People-soft" has recently been tendered to staff at *City Desk* and the prospects for 2014 payroll glitches appear to be well justified.

Currently, there are "no significant problems" with the aforementioned software program, yet. But, "times could be a changing" in 2014 for the city has been denuded access from Oracle's customer support for this intensive payroll system.

A few questions Council should ask are; why is the city without Oracle's "customer support?" Does the city even need "customer support" or is the city going to purchase / lease the next system upgrade and when is the system upgrade to be purchased / leased and made operational?"

Inquiries should be made by members of the "Public Safety, Finance and Strategic Support Committee during the last meeting of year (Thursday, (12.19.13)], which just so happens to be this afternoon.

Respectfully submitted,

David S. Wall
12.19.13

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Cc: City Attorney / City Auditor / City Manager

David S. Wall
RECEIVED
San Jose City Clerk

2013 DEC 19 PM 12:18

December 19, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: "Black smoke" observed emanating from City Manager's ears at last Council meeting for 2013.

City Manager was given last chance to "apologize publically to City Attorney" for AJI workload.

City Attorney inherited an "unfunded mandate" to extricate the city from Manager's failed decision.

I guess the doctrine of "44 years in the saddle" permits shameless administrative etiquette faux pas.

Dateline: City Desk [Thursday, (12.19.13)]. *City Manager's refusal to "apologize for AJI" is shameful.*

The Applegate Johnston Inc. (AJI) bankruptcy which brought the construction of the San José Innovation Center (EIC) to an embarrassing standstill and created an enormous "unfunded mandate" for the pristine Office of the City Attorney, to extricate the city from all legal ramifications that flowed from the egregiously flawed decision making of the City Manager; the failure to take "ownership of the failure" and "publically apologize" for the massive "screw-up" is an additional and avoidable injurious insult.

We must not forget the City Manager had knowledge that Applegate Johnston Inc. (AJI) had severe problems with prior city contracts. ***We must not forget*** AJI's severe problems of quality of materials and workmanship of two (2) San José Fire Stations (19 & 24). ***We must not forget*** the \$440,000 "Liquidated damages" racked up by AJI on the Fire Station #19 debacle which was "waived" so the City Manager could pursue a \$4.5 Million dollar "carrot dangling from a stick" by the New Market Tax Credit lenders to help fund the cockamamie scam; the EIC. ***We must not forget***, the City Manager "refused shamelessly" as to NOT issuing a "Public Apology" for not showing any leadership on the AJI issue.

We must not forget at the last Council meeting of the year [Tuesday, (12.17.13)], the City Manager was given repeated opportunities to repent and apologize publically to the flawless City Attorney but sadly, she did not and as the sands of the hour glass trickled out, the injustice of the AJI decisions made by the City Manager are now enshrined for the ages. Let us all weep at the chance lost by the City Manager for salvation.

Also, Council to date has failed miserably for NOT creating and implementing legislation that would keep substandard construction companies from "low bidding the city" into one fiasco after another. Council had an opportunity but, refused to do so at the last city council meeting of the year [Tuesday, (12.17.13)].

Today, city hall watchers gathered again at Melanoma Plaza (the concrete area in front of city hall) to look at the 17th Floor penthouse to see if the City Manager had issued a "Public Apology for AJI to; Mayor Reed, Council and above all to the Office of the City Attorney."

The indicator for the aforementioned public apology is the color of smoke emanating from the 17th Floor penthouse. "White smoke" indicates the "Public Apology" has been made. "Black smoke" indicates that "NO Public Apology" has been made. Again, only a cloud of billowing "Black smoke" was observed.

Will the City Manager enter a "Public Apology" for AJI failure in judgment on her last day in Office?

Cc: City Attorney / City Auditor / City Manager

Respectfully submitted,

David S. Wall
12.19.13

David S. Wall

PUBLIC RECORD e

RECEIVED

San Jose City Clerk

2013 DEC 20 PM 4:25

December 20, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: U.S. Supreme Court ruling in: *Koontz v. St. Johns River Water Management District* could be “death knell” for “In - lieu takings” to fund Affordable Housing projects.

Don't forget not to confuse “exactions” with “land use decisions” to fund “Affordable Housing units.”

Do “Affordable Housing units” pay any taxes to support city services or are they “freeloaders?”

Dateline: City Desk [Friday, (12.20.13)]. *Affordable Housing-dump this program before it dumps on you.*

Below is the text for a pending “Public Record Request for Information” pertaining to the accused and misrepresented “Affordable Housing” program.

“Request for PUBLIC RECORD INFORMATION

This request for Public Record information concerns itself with the City of San José's “outstanding” Finance Department.

My request is focused on the cost and revenues associate with “Affordable Housing” projects.

What is the total number of “Affordable Housing units” as of this date?

What is the “average cost” of an “Affordable Housing unit?”

What is the total revenue generated by these “Affordable Housing units” to the city to support city services (Police, Fire, Code Enforcement, etc.)?

Do “Affordable housing projects pay; property taxes, Sewer Service and Use Charges, Strom Sewer and Use Charges, parcel tax to support San José Libraries, any parcel taxes at all and garbage service charges?”

It is my opinion, the taxpaying public has been snookered into accepting and permitting the freeloaders associated with “Affordable Housing projects” to be in our midst at our cumulative expense.

Inclusionary and Affordable Housing policies are foundational to create an entitlement which I do not support. The destitute must move to another state where they can afford to live out their lives.

2014 could be a “banner year” for developers and property owners alike who do not like the “long arm of government” snatching away their hard earned resources to fund housing for people who cannot afford to live here. Thank God for Governor Brown and the destruction of “out of control” Redevelopment Agencies!

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager

David S. Wall
12.20.13

David S. Wall

PUBLIC RECORD f

RECEIVED
San Jose City Clerk

December 20, 2013

2013 DEC 20 PM 4:25

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Will City Manager receive a "sick-leave pay-out?" She is entitled to every penny!

Every City employee is entitled to receive a "sick-leave pay-out."

******Check-out the Mayoral candidates who authorized reinstatement of 872.9870 hours of sick leave.**

Dateline: City Desk [Friday, (12.20.13)]. *What's good for the City Manager is good for City employees!*

Mayor Reed and several city Councilmembers have unilaterally "taken away sick leave buy outs" of city employees who either leave the city for other employment or for those who are entering into retirement. The San José Mercury News has vilified and downright demonized city employees for receiving this "contract provision of employment." I support the "pay-out" of well defined contracted benefits. This includes the City Manager and City Employees.

This leaves me bewildered and confused how an employee (Debra Figone) who apparently left City of San José employment on or about December 22, 2001; **did have**, according to [RESOLUTION NO. 73799, page 2, (H) "Sick Leave": "Reinstatement of sick leave balance to the level accrued as of December 22, 2001 which is equal to **872.9870 hours.**"] This "sick leave" was earned at a pay scale lower than that of a City Manager, then six years later after separation from City service, **872.9870 hours** of sick leave is reinstated at the pay scale of the City Manager. This is a better rate of return than a regular bank savings or money market account.

Below is the text of a "Request for Public Record Information" on this issue.

"Request for PUBLIC RECORD INFORMATION

This request for Public Record information concerns itself with the City Manager's "sick leave accrual" and potential "pay-out."

The [RESOLUTION NO. 73799, page 3] shows that Councilmembers: **CONSTANT, LICCARDO, NGUYEN, OLIVERIO, PYLE AND MAYOR REED** ("The Gang of Six"); authorized and voted for this aforementioned "employment agreement" reinstating 872.9870 hours of sick leave to the City Manager.

My request is focused on;

What is the total number of "sick leave" hours accrued by the City Manager as of this date?
How many "sick leave" hours of the aforementioned total are available for compensation?
What is the total "pay-out" to the City Manager for the aforementioned sick leave?"

******Special note:** *Vice-Mayor Nguyen, Councilmembers Constant, Liccardo and Oliverio supported the reinstatement of 872.9870 hours of "sick-leave" to the City Manager and they are Mayoral candidates.*

Cc: City Attorney / City Auditor / City Manager

Respectfully submitted,

David S. Wall
12.20.13

David S. Wall

PUBLIC RECORD 9

RECEIVED
San Jose City Clerk

2013 DEC 20 PM 4:26

December 20, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Has City Manager "Institutionalized-Gender Specific Appointments, sub-appointments & promotions?"

Not all appointments to senior management positions are "well-qualified."

"Gender-Specific appointees" then carry out "Gender-Specific sub-appointments."

Then there is the issue of "Gender-Specific promotions."

Dateline: City Desk [Friday, (12.20.13)]. *"Equal Opportunity" is "DEAD" at the City of San José.*

The City Manager, as the bonafide "appointing authority," can "appoint" anyone to a position of Director or Assistant Director of a Department with virtual impunity as defined by the archaic and needs to be modified city charter. Sections 411 and 411.1 of the city charter are germane for this discussion.

Council is fairly asleep with entrusting this enormously powerful tool to the City Manager, for this City Manager's use of section 411 and 411.1 of the city charter has grown to be a "bastardization of Equal Opportunity" and the "inculcation of corruption" within the organization.

Gone are the days when the Human Resources Department (HR) conducted written tests and then set parameters for oral interviews to objectively test a prospective employee's knowledge of the subject matter pertaining to the position the city needs to be filled. Approximately fifteen (15) years ago, some brainchild in the Office of the City Manager began phasing out the "objective testing requirements" to procure a coded position within the Civil Service System through the introduction of the "structured questionnaire."

The "structured questionnaire" is an employment device that "permits management personnel to tailor employment objectives they want to a specific position within the coded Civil Service System under their authority." In short, the "structured questionnaire" can be further honed to target "one specific candidate for employment over the intentional exclusion over all other qualified candidates." This is a mechanism in which "friends hire friends to exclusion of Equal Opportunity and the rules that govern the Civil Service System." This process then finds its way into promotions and disciplinary procedures as "management teams constructed from the corrupted hiring processes assume their span of control throughout the organization."

Here are but a few examples for you to make some inquiries. I can produce many more.

ESD: Recent appointment to; Principal Engineer; female; failed Professional Engineering exam.

ESD: Recent appointment to; Program Manager South Bay Water Recycling program; female; No Experience.

ESD: Recent appointment to; Division Manager; female; Failure as Administrative Officer on many issues.

ESD: Appointment to; Assistant Director; female; NO EXPERIENCE and grossly UNQUALIFIED.

POLICE ADMINISTRATIVE SERVICES: Are Lesbians intentionally hiring their lovers?

I only support the hiring process that ensures "Equal Opportunity for everyone" who is qualified for employment.

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager

David S. Wall
12.20.13

David S. Wall

PUBLIC RECORD h

RECEIVED
San Jose City Clerk

2013 DEC 20 PM 4:26

December 20, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Is "Substandard performance" by the outgoing City Manager a factor of WPCP's reliability?

Inquiry into the status of WPCP Engines is a significant issue.

"Gender-Specific Appointments, sub-appointments and promotions" are another.

Dateline: City Desk [Friday, (12.20.13)]. *If WPCP loses power, will there be a raw sewage spill?*

The outgoing City Manager had plenty of time during her tenure to bring the fragile status of WPCP's power requirements into submission. For whatever reason that has been "officially" tendered, the reliability of the Water Pollution Control Plant's ability to generate power to address the plant's operational requirements is a significant issue in maintaining WPCP's integrity. In my opinion, the outgoing City Manager did absolutely nothing to protect WPCP's ability to generate the requisite power to ensure operational integrity at WPCP.

Enclosed is the text for a "Request for Public Record Information" concerning the status of WPCP engines.

"Request for PUBLIC RECORD INFORMATION"

This request for Public Record information concerns itself with the City of San José Environmental Services Department (ESD), specifically with the Water pollution Control Plant.

My request is focused on the three (3) Engines; EG1, EG2, and EG3.

Is Engine #1 (EG1) in operation? If not, when will it become operational?

Is Engine #2 (EG2) in operation? If not, when will it become operational?

Is Engine #3 (EG3) in operation? If not, when will it become "operational?"

Are "Gender-Specific Appointments, sub-appointments and promotions" an issue here?

You can "bet your collective rumps there are serious and damning issues here!"

Respectfully submitted,

David S. Wall
12.20.13

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Cc: City Attorney / City Auditor / City Manager

David S. Wall

RECEIVED
San Jose City Clerk

December 20, 2013

2013 DEC 20 PM 4:26

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Its official, City Manager has adamantly refused to issue a "Public Apology" for the AJI scandal.

"Black smoke" observed emanating from the 17th Floor penthouse on the City Manager's last working day.

What is the legacy of the City Manager's 44 years of public service? Anyone can do this job.

Dateline: City Desk [Thursday, (12.19.13)]. *City Manager's refusal to "apologize for AJI" is shameful.*

The Applegate Johnston Inc. (AJI) bankruptcy will forevermore be the defining point of the legacy of the City Manager. The accursed San José Environmental Innovation Center (EIC) will be the next City Managers responsibility (outside of "boot-licking" the AJI issue as an Assistant City Manager).

We will not forget the City Manager had knowledge that Applegate Johnston Inc. (AJI) had severe problems with prior city contracts. *We will not forget* AJI's severe problems of quality of materials and workmanship of two (2) San José Fire Stations (19 & 24). *We will not forget* the \$440,000 "Liquidated damages" racked up by AJI on the Fire Station #19 debacle which was "waived" so the City Manager could pursue a \$4.5 Million dollar "carrot dangling from a stick" by the New Market Tax Credit lenders to help fund the cockamamie scam; the EIC. *We will not forget*, the City Manager "refused shamelessly" as to NOT issuing a "Public Apology" for not showing any leadership whatsoever pertaining to the AJI issue.

We will not forget at the last Council meeting of the year [Tuesday, (12.17.13)], the City Manager was given repeated opportunities to repent and apologize publically to the flawless City Attorney but sadly, she did not and as the sands of the hour glass trickled out, the injustice of the AJI decisions made by the City Manager are now enshrined for the ages. Let us all weep at the chance lost by the City Manager for salvation.

Today, city hall watchers gathered for the last time at Melanoma Plaza (the concrete area in front of city hall) to look at the 17th Floor penthouse to see if the City Manager had issued a "Public Apology for AJI bankruptcy scandal to; Mayor Reed, Council and above all to the Office of the City Attorney."

The indicator for the aforementioned public apology is the color of smoke emanating from the 17th Floor penthouse. "White smoke" indicates the "Public Apology" has been made. "Black smoke" indicates that "NO Public Apology" has been made. Sadly, only a cloud of billowing "Black smoke" was observed.

Actually, the "Black smoke was in the form of a "smoke signal associated with American Indian communications." The "Black smoke communication" read, "Screw you David and your demand for a Public Apology for AJI. I apologize for absolutely nothing, especially for "Gender-Specific Appointments, sub-appointments and promotions." I ride my broomstick into the promised land of retirement, unscathed from the ramifications flowing from my poor decisions over forty-four (44) years. I got over, Ehah-hah-hah-ha..."

The City Manager's demonstrable lack of an apology only accentuates a legacy of poor decisions!

Cc: City Attorney / City Auditor / City Manager-Shame, shame, shame.

Respectfully submitted,

David S. Wall
12.20.13

David S. Wall
RECEIVED
San Jose City Clerk
2013 DEC 23 PM 2:55


December 23, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905**Re: Christmas miracle at WPCP? Engines #1 and #3 are fully operational. How did this miracle occur?****Engines "down for several years" reported to be in such bad shape they were to be "abandoned."****Engines #1 and #3 are now fully operational and have been for the last two (2) weeks.****A "full report" as to who initiated repairs, the cost and rate payer money lost for years is required!**Dateline: City Desk [Monday, (12.23.13)]. *How is this possible? TPAC is going to want answers!*

For the last two weeks, Engine #1 and Engine #3 have been returned from the "graveyard" and are "operational." This revelation "demands" a "full accounting" as to how this "miracle" occurred but was not discussed at the last Treatment Plant Advisory Committee (TPAC) meeting. Somebody was spending a ton of rate payer money to get these engines running and who made the decisions to go forward? Were consultants calling the shots? There are many, many questions to be answered here. Do the tributary agencies receive compensation due to San José's incompetent and negligent activities surrounding Engines #1 and #3?

A thorough report should also include the costs of the "fuel cell" over the past year. How much "down time" did the fuel cell incur, costs involved and the financial status of the owner should be well defined.

*Respectfully submitted,**David S. Wall*
12.23.13///
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///**Cc:** City Attorney / City Auditor / City Manager
Members TPAC

David S. Wall
RECEIVED
San José City Clerk

2013 DEC 23 PM 2:54

December 23, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Engines #1 & #3 at WPCP have been "brought back from the dead" raising questions about process.

Dateline: City Desk [Monday, (12.23.13)]. *What is going on at WPCP? TPAC left out in the dark!*

For the past couple of weeks Engine #1 and #3 have been returned to service and appear to running smoothly. Why wasn't the Treatment Plant Advisory Committee alerted to even attempts at rejuvenating these engines when ESD senior staff testimonies said these engines were so bad they were to be abandoned?

Enclosed is the text for a "Request for Public Record Information" concerning the status of WPCP Engines #1 and #3. I'm glad the engines are operational but, there exists serious reporting problems.

"Request for PUBLIC RECORD INFORMATION

This request for Public Record information concerns itself with the City of San José Environmental Services Department (ESD).

My request is focused on the San José / Santa Clara Water Pollution Control Plant (WPCP).

When did Engine #1 become operational?

How much money did it cost to make Engine #1 operational?

What FUNDS were used for Engine #1, Operations and Maintenance or Capital Improvement Program?

Identify the names of all persons involved in the decision and analysis to go forward with Engine #1.

Why wasn't TPAC informed at any process change that brought Engine #1 "back into service?"

...AND...

When did Engine #3 become operational?

How much money did it cost to make Engine #3 operational?

What FUNDS were used for Engine #3, Operations and Maintenance or Capital Improvement Program?


Identify the names of all persons involved in the decision and analysis to go forward with Engine #3.

Why wasn't TPAC informed at any process change that brought Engine #3 "back into service?"

Cc: City Attorney / City Auditor / City Manager
Members TPAC

Respectfully submitted,

David S. Wall
12.23.13

David S. Wall
RECEIVED
San Jose City Clerk

2013 DEC 23 PM 2:55

December 23, 2013

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Construction workers are taking up and holding parking spaces around Cathedral Basilica of Saint Joseph.

Construction workers keep “feeding the meters” forcing the devout to walk long distances to attend mass.

There are no “Handicap Parking spaces” in front of the Cathedral Basilica of Saint Joseph.

Dateline: City Desk [Monday, (12.23.13)]. *God needs a “helping hand” from D.O.T. and Parking Control.*

The construction workers associated with the “One South Market Street” housing project are “illegally” commandeering (downright “hogging” if you will) all of the parking spaces around the Cathedral Basilica Saint Joseph causing unnecessary hardship to the devout as they are forced to walk long distances to and from attending mass.

The disabled devout suffer greater as they not only suffer from their disabilities, they too are forced to endure the long distances to and from mass. There are no “Handicap Parking spaces” in front of the church.

The safety of the parishioners is an issue for they all have to try to navigate safe passage amongst vagrants, the criminal element and other social miscreants who routinely “loiter” about alley ways near to the church and César Chavez Park.

The construction workers should be herded into some other “parking” arrangement.

Parking Control should be politely directed to enforce “metered parking rules.”

D.O.T. should be politely directed to construct “Handicap Parking spaces” in front of the church.

The San José Police should ferret out the criminal element, et al., from the alley ways and César Chavez Park.

It is my hope and prayer that the parishioners and clergy of St. Joseph’s would be facilitated by this great city as they go to and from attending mass.

Respectfully submitted,

David S. Wall
12.23.13

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Cc: City Attorney / City Auditor / City Manager